

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-39a	Time filed:	
Changed to Admin. Code Ref. (R no.):			
1.	Agency: Commerce/Division of Occupational and Professional Licensing		
	Room no.:		
	Building: Heber M. Wells Building		
	Street address 1: 160 East 300 South		
	Street address 2:		
	City, state, zip: Salt Lake City UT 84111-2316		
	Mailing address 1: PO Box 146741		
	Mailing address 2:		
	City, state, zip: Salt Lake City UT 84114-6741		
	Contact person(s):		
	Name:	Phone:	Fax:
	Daniel T. Jones	801-530-6767	801-530-6511
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)			
2.	Title of rule or section (catchline):		
	Alternative Dispute Resolution Providers Certification Act Rules		
3.	Type of notice:		
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____		
4.	Purpose of the rule or reason for the change:		
	The Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examination for applicants for certification as an alternative dispute resolution provider (ADRP) can be deleted with no negative impact on the profession.		
5.	This change is a response to comments from the Administrative Rules Review Committee.		
	Yes ____; No XX		
6.	Summary of the rule change:		
	Section 103 - Updated statute citation. Section 302c: Deleted reference to ADRP Utah Law and Rule Examination.		
7.	Aggregate anticipated cost or savings to:		
	A) State budget:		
	The Division will incur minimal costs of approximately \$75 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	B) Local government:		

	Proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to applicants for certification as an alternative dispute resolution provider.													
	C) Other persons:													
	Proposed amendments only apply to applicants for certification as an alternative dispute resolution provider. Those applicants for certification will see a savings of \$75.00 in that they will no longer be required to take the Utah ADRP Law and Rule Examination. The Division estimates approximately three new alternative dispute resolution providers are certified on a yearly basis, thus resulting in an aggregate savings of \$225. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.													
8.	Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency): Proposed amendments only apply to applicants for certification as an alternative dispute resolution provider. Those applicants for certification will see a savings of \$75.00 in that they will no longer be required to take the ADRP Utah Law and Rule Examination. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.													
9.	Comments by the department head on the fiscal impact the rule may have on businesses: The regulated industry will experience a cost-savings as a result of the elimination of the Utah Law and Rule Examination. No further fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director													
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): Section 58-39a-1 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)													
11.	This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank): 													
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.) A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 10/02/2006 B) A public hearing (optional) will be held: <table border="1"> <tr> <td>on (mm/dd/yyyy):</td><td>at (time):</td><td>At (place):</td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> </table>		on (mm/dd/yyyy):	at (time):	At (place):									
on (mm/dd/yyyy):	at (time):	At (place):												
13.	This rule change may become effective on (mm/dd/yyyy): 10/10/2006 NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.													
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")): <table border="1"> <tr> <td>licensing</td><td>arbitration</td></tr> <tr> <td>mediation</td><td>alternative dispute resolution</td></tr> </table>		licensing	arbitration	mediation	alternative dispute resolution								
licensing	arbitration													
mediation	alternative dispute resolution													
15.	Attach an RTF document containing the text of this rule change (filename): R156-39a.pro													

To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	08/14/2006
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ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-39a. Alternative Dispute Resolution Providers Certification Act Rules.

R156-39a-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) (a) to enable the division to administer Title 58, Chapter 39a.

~~**[R156-39a-302c. Qualifications for Certification - Examination Requirement.**~~

~~In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirement for certification in Section 58-1-309 is defined, clarified, or established to include passing of the ADRP Utah law and rules examination.]~~

KEY: licensing, arbitration, mediation, alternative dispute resolution[*]

Date of Enactment or Last Substantive Amendment: ~~[June 15, 1994]~~ 2006

Notice of Continuation: January 27, 2004

Authorizing, and Implemented or Interpreted Law: 58-1-106(1) (a); 58-1-202(1) (a); 58-39a-1